

**ENVIRONMENT, LAND ACQUISITION AND PLANNING COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Environment, Land Acquisition and Planning Committee was held at the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, in the Rose Y. Caracappa Auditorium, on Tuesday, **June 4, 2002**, at 2:30 p.m.

MEMBERS PRESENT:

Legislator David Bishop, Chairman
Legislator Michael Caracciolo, Vice-Chair
Legislator Andrew Crecca
Legislator Ginny Fields
Legislator Jon Cooper

ALSO IN ATTENDANCE:

Legislator Lynne Nowick, Legislative District No. 13
Paul Sabatino II, Counsel to the Legislature
Tom Donovan, Legislative Aide to Presiding Officer Tonna
Jim Dobkowski, Presiding Officer Tonna's Office
Frank Tassone, Legislative Aide to Legislator Crecca
Barbara LoMoriello, Legislative Aide to Legislator Cooper
Kevin Duffy, Budget Review Office
Peter Scully, Commissioner, SC Department of Parks
Tom Isles, SC Department of Planning
Christine Costigan, Director, Real Estate Division
Jim Burke, Real Estate Division
Ben Wright, SC Department of Public Works
John Turner, The Nature Conservancy
Vito Minei, Suffolk County Department of Health
Jim Bagg, CEQ
Nicole DeAngelo, County Executive's Office
Jessica Ganz, The Balloon Council
Martin Greenstein, Event Pros Inc.
Pamela Hilger, Enchanted Parties/Event Pros
Paul Christoforidis, Balloon Bouquets of Long Island
Mark Zettler, Balloons and Parties Magazine
Steve Vogel, Enchanted Parties/Event Pros
Brian Rocovictt, LI Off Road Vehicle Association
Thomas Riker, LI Off Road Vehicle Association
Robert W. Ott, LI Off Road Vehicle Association
John Savio, Eastern Long Island Motorcycle Club
Millie Afbisher, Suffolk County Resident
Joanne Bertossi, Suffolk County Resident
Robert Bertossi, Suffolk County Resident

Minutes Taken By:

Kimberly Castiglione, Legislative Secretary

(The meeting was called to order at 3:25 p.m.)

CHAIRMAN BISHOP:

Good afternoon. This is the meeting of the Environment, Land Acquisition and Planning Committee of June 4th, 2002. Please rise for the Pledge of Allegiance led by Legislator Nowick.

(Salutation)

While we have lightened our agenda significantly by passing of the land acquisition reform measure, which was signed into law today, I see we do have a topic that has generated a lot of cards, so I was wrong in anticipating a quick meeting today. This is the balloon bill.

Now, who is here to speak on the balloon measure? Are you all on the same side of the issue or we have both sides represented? Both sides. I want to try to organize this in some sort of manner. All right. Are the representatives from the industry and those opposed to the bill, you are there to my left? Can you – do you have leadership there? I mean, is there three people who could come and speak first? Bring your three people up. The others will have a chance to speak, but what I ask is if you are simply going to reiterate what we have already heard, that you may not want to speak. So, do you have three people that you want to send up right away? Anybody who wants to speak will have the opportunity to speak. You can come to the table if you would like. It is generally the way we do it. Make sure the microphones are on and I wish you good afternoon and tell us who you are and say your piece.

MR. GREENSTEIN:

Mr. Chairman, members of the committee, my name is Marty Greenstein. My company is Enchanted Parties Event Pros. We have been in the business of parties and celebrating for more than 30 years. We are a third generation family going on fourth, here today to ask you to – to discourage you from passing this legislation for a number of reasons.

Now, the environmentalists have shared with us that they feel that this is not a good thing for the environment because fish and birds and animals are hurt and killed by this. This is not true. There is not one piece of documented evidence anyplace from any environmental or other group that has documented the death of any animal or bird or fish. As a matter of fact, at the last legislative hearing when this was discussed, the young lady who came from the aquarium, who does the autopsies, could only say she had found some balloons.

People were here and talked about walking the beach and finding hundreds of pounds of litter, balloon litter. I was moved by that and it bothered me because as much as I love the balloon part of my business, I am a responsible individual who cares about the environment. I took four walks on the beach since then. After the first three, I couldn't believe my eyes, and I knew you wouldn't believe me, so I videotaped my walk on the beach, a mile and a half, and I would like to bring and leave the evidence of balloons that I found. As God as my witness, one piece of ribbon, one piece of balloon, in a mile and a half of walk. It is documented for the record in the video.

There are hundreds and hundreds and hundreds in our County of stores that sell balloons, small amounts, large amounts. Every child who walks the street with a balloon, whether it was given to them by a store, by somebody running for public office, if they were to release those balloons and three or four others that day, they are liable for a fine which we could never police. The environmentalists have gathered tons of litter from all over, and they have segregated this litter and found that less than one half of one percent of the litter was balloons.

(Legislator Fields entered the meeting at 3:30 p.m.)

When we do a major balloon release, and I have to tell you, I would not be opposed to a law that said major balloon releases of 500 or more balloons are outlawed. That's real. Five balloons, ten balloons, 50 balloons, 100 balloons, that is not a balloon release, that is an arch from someone's backyard that got loose that could never be stopped. Organized releases of 500 or more I absolutely agree, even though nothing happens. We know that these balloons go into the atmosphere, they explode -- and they never have ribbons and are never mylar. They explode, they go back to nature in about the same amount of time, three and a half to four years, as that of elk leaf.

I haven't met a psychiatrist that has been able to examine a fish that can say the fish definitely thinks that this little, tiny piece of rubber was a jellyfish and they ate it and starved to death. That's the supposition of an eight-year-old. And it was adorable when they testified, but it is not real. The realities are that, yes, there is litter, but it is small. The beer cans, the bottles that we find on the beach, that is real. This little sand castle that I found on the beach accounted for more than everything else I saw on the mile and a half walk. I do submit this as evidence.

I don't think that we are doing the right thing. I don't think that by pursuing every artist, every balloon artist, every wedding, every bar mitzvah, every backyard party, and telling someone they can't have an arch over their pool. I will in the back of my contract, and in every client that I sell balloons to, instruct them on how best to dispose of their balloons, that it is an environmental concern, and that we would like them to break the balloons and put them in the garbage. I will do that. I will make that a part of my contract, I promise you that, but I can't help it if I do an arch of balloons in somebody's backyard and they get loose -- nor can the people who sold me the helium, or sold me the balloons, or anyone else.

So, I implore you to withdraw this, to not pass it, because it is not going to do anybody any good and it is not going to save our environment. I would much rather see us attack the glass, the bottles, and the things that are thrown from cars. That will do some good. Kids won't get hurt by them. Thank you.

MS. GANZ:

Good afternoon. My name is Jessica Ganz. I am here on behalf of the Balloon Council. The Balloon Council was created in 1990 to aid retailers, distributors, and manufacturers to stem unwarranted regulatory drives targeting balloons. The legislation that has been proposed is outdated. The last time any kind of balloon legislation was passed was in 1991 in the State of Virginia. This legislation banned the release of 50 or more balloons. Since then, legislation has been proposed repeatedly and has repeatedly been defeated. I believe it is New Jersey, Massachusetts and New York proposed legislation in 2002. The legislation has yet to leave committee.

This proposed legislation, like I said, it is incredibly outdated. The fact is balloons are 100% organic, 100% biodegradable. They are tapped from rubber trees in rainforests using the same methods as you would tap a maple tree to make maple syrup. They do not harm the trees and they do not harm the environment. When they go up into the air they burst into spaghetti like fragments and come back to the earth.

There are two incidents that really brought about this concern over balloon litter and wildlife, both of which were found on the New Jersey coastline. The first was of a whale, who was caught

between the pilings of a pier. In the post mortem it was found that, yes, the whale had a piece of balloon attached to a three foot ribbon in it intestines. Again, in '87 a leatherback turtle was found on the coast of New Jersey. It was decomposed to the point where gender could not be identified, and in the post mortem it was found that it, too, had a piece of balloon attached to a three foot ribbon. These are the only two instances that have been documented where a balloon has been found inside the animal. In both instances, the balloon was not the cause of death. In the whale's case it was caught between the pilings and was unable to be removed. In the turtle's case, the turtle was injured from a boat propeller and ended up washing up on the Jersey coastline. These are the only two documented accounts.

It is wonderful to have children concerned about their environment. The reality of it is by passing legislation that limits balloons to five or more, people in hospitals are going to be a little unsure as to whether they can bring their loved ones flowers and balloons. Children going to carnivals are going to be discouraged to have their parents give them balloons. What happens if they slip and they accidentally let go of these balloons? Are you going to fine them \$500? It is an accident. They burst; they come back.

Like Marty said, mass balloon releases, they do not attach anything that would harm the environment. It is all latex. And this legislation is outdated and can be proven. I have many states that have rejected such legislation. I ask you to reconsider this before passing it. Thank you.

MR. ZETTLER:

Good afternoon. My name is Mark Zettler. I am the publisher of Balloons and Parties Magazine. It is a 16 year old trade publication for the balloon industry. Our mission to our 8,000 readers around the world in nearly 50 countries, is to promote balloons through education. I also own two other companies, whose primary product sold is balloons, retail. And my tact is going to be slightly different than the facts that Jessica was talking about and the realities of what is going on here on Long Island, because I am not from Long Island.

I wanted to talk to other ideas about balloons and what something like this might cause in the minds of the consumer. If broken down, life at its simplest can be described as birth, then moments of joy and wonder, personal challenges, opportunities and careers, plateaus reached, and finally, death. Balloons are there for all of it. Though today some of you might not want to hear that or even think that, it is absolutely true.

I won't embarrass anyone here up at the podium or back in the audience, asking them how many times you have been to an event or just been at hand when balloons were present, or even purchased them yourselves in groups larger than five. But they have been there, as sure as there is a band or a DJ or food at a party, balloons have been there. In your workplace to help launch a new product, celebrate an achievement, or just to be received at your desk when you are maybe feeling a little low. Balloons have been there. A politician's best friend is a balloon. Imprinted with one's name and more, it has been a calling card for nearly everyone hoping to get into politics or being in politics. Balloons are a marvelous, wonderful and colorful part of our everyday lives. There is no denying it.

This brings me to why I am here and why we are all here today. You will have or will be hearing – you have or will be hearing the matters of facts related to balloons and who or what might be harmed by them. Balloons are not the enemy here. Setting a precedent of banning balloons or fining someone for releasing them makes the balloons themselves seem like an illegal substance in our society. There are tens of thousands of legitimate businesses across the country and

around the world that depend on balloons for their livelihood, and there are hundreds of millions of people around the world who have derived great pleasure from them and will continue to for many years to come.

Grapes kill more children each year than balloons ever will, but we do not ban the use of grapes in our society. We do not fine the shoppers who buy them, nor the grocers who sell them, but they do kill. Prevention of a tragedy like that is not to ban grapes, we would never think of such a thing, but to educate parents how to cut them, at what age to feed them to a youngster, etceteras.

The National Safety Council, a government agency, knows that wheeled toys are the leading killer of children in this country, but we do not ban bicycles. We do not ban any kind of items of this type in our society. We make them safety, we handle them more carefully, we educate the owners how to operate them with caution.

Balloons are messengers of only positive energy. Please don't shoot the messenger. True balloon professionals, and there are many of them here, are taught to work with all their pertinent materials carefully and safety. That is our job.

I have talked about all of the wonders of balloons and the happy times that they help emote from and for our customers. As I stated previously, balloons are part of all aspects of life, from birth till death. In just a few days, one of my retail companies will be providing balloons for a launch. Yes, a balloon release. This release will be to honor the loss of 366 police and firemen who lost their lives on September 11th. One balloon for each of the fallen heroes. Balloons were chosen to honor the dead, to help bring some closure to loved ones suffering. Is it really the duty of all of us here today in this proceeding to keep these people from honoring their loved ones lost in this special way? Are the people running this event criminals? They could be if this law is passed. Am I? I could be considered that as well if something like this is passed.

My colleagues and myself are not criminals. We are law abiding citizens who are trying to make a living by selling happiness through the use of balloons. I beg you not to take the first step in misinforming the general public we are not selling happiness, but rather death disguised as something fun. We are not disguising anything we sell. We are celebrating what we do to make people happy.

I am not from this area, I am not going to claim to be. I am going to have claimed to have walked the beaches to find balloons. But what we did do is we went for a little walk today, and if you will indulge me for just one moment more. It was just a walk 30 feet out this door to the left. What we found was enough to kill or maim a small child – glass, garbage, money, coffee cups, photo bags, bottle tops, God knows what this is, and loads of cigarettes. Disgusting, vile, wrong. Whoever did it I would assume is breaking the law in this state. It has nothing to do with balloons. There wasn't one balloon in the bunch. Thank you for your time. I hope you will please consider what we are talking about.

CHAIRMAN BISHOP:

Are there any questions from committee members?

LEGISLATOR CRECCA:

I just have one question. There was talk about – especially from the two prior speakers, I apologize for not remembering your name – about releasing the balloons or it coming out of a

child's hand. My understanding of the legislation is it only deals with intentional release, and that would be balloon releases. We all recognize that, and I don't think the intent of the legislation is, to stop kids from having balloons, adults from having balloons. It is the idea of intentionally releasing them into the sky. Just like we have anti-litter laws, you know, we are not saying that people shouldn't have balloons. We are not saying politicians still shouldn't still give out balloons. I give them out, and during the course of giving them out, last year I can tell you that we probably lost more than five into the sky. But again, that was not intentional, that was during the process of blowing them up or giving them to a child that they accidentally got released. There is a difference between accidental release and a difference between the intentional release. You talked about the balloon arches. Again, and I commend you on educating your customers about the proper way to dispose of them.

What we are saying is, and I don't think that there is going to be balloon police as a result of this legislation either, but we all know that sometimes legislation, whether it is child safety seats, child booster seats, educates people, too, when there are laws passed. The seatbelt law is not enforced as much as it is now followed because it is law. So, I guess my question is it doesn't sound like you have a problem with avoiding the intentional release of balloons, it is just – even with the arch and stuff. I mean, if it accidentally goes up in the air, that is not a violation under the law.

MR. GREENSTEIN:

We know from experience having done these that a balloon release – we are talking about a professional balloon release where there is a net that is held, it is sewed, it is intentionally done, almost never, except in the case that Mark is discussing where there was a specific number, it always begins at 500. The work that is involved, trust me, those of us in the industry would rather never do it. It is more work than the dollars. It is more aggravation, and each balloon has to be individually tied, without a ribbon, we never use mylar. And none of us have a problem with 500 or more balloons as a major release being a number that we have to live with. That doesn't we are going to do 499, nobody could count them anyway.

And I believe that your message would be impactful the same way there, but the problem that I am concerned with on behalf of the public itself. If I have done an arch with two or three hundred balloons in it and they were seeking to take it into the shed and break it and it got away, somebody could say I know you did that on purpose. Now it is subject to interpretation. The only time that we know it was a balloon release is when somebody built a net, built the cage, and so on like that. We as an industry, at least from my perspective, you know what, I will lose one job a year, I can live with it. I would like to lose that job.

The point is that I don't think that our Legislature in its infinite wisdom should put our police and our citizens in the position of having a confrontation over I know what you were thinking and then the whole thing gets out of hand. We would be delighted to support 500 or more balloons as called a major release, all right, and support that legislation. I would put my name to it. I would support it in any way possible. I am concerned when we say it is five balloons or 10 or 50 or 100, because that could be one structure, that could be one thing.

We know how to do balloons with helium, we know how to do balloons without helium. Obviously the ones without helium shouldn't get away, but they do. The wind will carry any balloon – maybe not as high. I beg you, if you feel that you must do this legislation, do it at a level where it is real, where it applies to what we would be doing, not to a backyard barbecue, not to a bouquet of balloons that got lose, because an overzealous law enforcement person could say I know you did it on purpose, I saw the gleam in your eye, and we are off to the races.

We are not going to re-educate brides and bar mitzvah families and backyard families not to have balloons by doing this. We can educate those of us who are in the business within our organizations to include how to dispose of properly. We can't make them do it, nor should we be responsible, nor the people who sold us the balloons, nor the people who sold us the helium for this kid that let those six balloons because we could be. That is why we ask you to change the direction, bring it to a level where it would be a professional release, not just an emotional mistake.

MR. ZETTLER:

If I could to Mr. Crecca's question. There is two parts to that, in a way, to answer your question. One is what Marty is alluding to, in that first of all, how do you police that and how do you decide well, there is 20 balloons in the air now, and that is a violation – but is it a violation? Did someone do that with intent 100 feet down from where those balloons are now, or was it just a mistake. The enforcement of that would be beyond impossible, unless there was an officer perhaps at a backyard party and he watched somebody with intent do it. Other than that, how are you really going to police that, and I think the answer is you are not going to be able to. And that could stir up a lot of trouble with police or whoever is going to enforce this kind of thing within each of the towns.

The other problem that I see, which I alluded to a little bit in what I had said, was that in just any kind of legislation like this, though some of the things are certainly for very good purposes and good reasons, send a bad signal, send a message that balloons are bad. It was my understanding when Marty was here last that there were a number of children who bemoaned practically the fate of society because of what balloons have done to kill the wildlife. Well, if the Balloon Council's information, which is a relatively old organization, is to be believed, none of this has ever happened. But when things like this come up, it gives the perception in a negative way that balloons are bad. They are not bad. If we can only let five go, oh my God, if someone is really a law abiding citizen and they heard about this thing that came about, they can only buy two or three balloons, well, they might have come to a merchant to buy 50 or 100 and were turned away or turned off from buying them simply because of the law, because oh my God, I can't buy five. They can interpret things in all different ways, and it begins to make balloons become a negative in society rather than what they are really for us, and that is for us a living, but for the customers, just joy and happiness and wonder.

CHAIRMAN BISHOP:

I have a question. You know, this bill is going to be my new example when I speak to elementary school children about what we do in the Legislature. I used to use the motorized scooters, there was a bill to ban motorized scooters and that gets a big reaction out of them. But here we have balloons. One side says it is killer garbage that decimates aquatic population, and the other side says it is gentle, harmless objects that bring closure to the bereaved. Somewhere there has got to be a real answer. I think the real answer turns on what are balloons made of and do they, in fact, cause harm. Now, are all balloons made from the same material?

MS. GANZ:

Balloons are either made out of latex, which is what is used in a balloon release, or mylar, which is never used in a balloon release. Mylar balloons were created –

CHAIRMAN BISHOP:

What are mylar? Those are the ugly silver ones?

MR. GREENSTEIN:

Foil balloons.

MS. GANZ:

That come in different shapes –

CHAIRMAN BISHOP:

Those should just be banned for bad taste.

MS. GANZ:

Those were made in part because of latex allergies.

CHAIRMAN BISHOP:

Right.

MS. GANZ:

Why should a child not be allowed to have a balloon because he or she is allergic to latex. So, they came up with mylar balloons.

CHAIRMAN BISHOP:

All right. But the traditional balloon is made of –

MS. GANZ:

It is made out of latex which –

CHAIRMAN BISHOP:

Every balloon everywhere of that type.

MS. GANZ:

There are only latex balloons and mylar balloons.

CHAIRMAN BISHOP:

And latex balloons cannot harm an animal or a fish.

MR. GREENSTEIN:

There is not one piece of documented evidence that says it can.

CHAIRMAN BISHOP:

All right. But that is your position, so if they come back and present something that says it does, I can –

MR. GREENSTEIN:

That's actually the environmentalist position as well. No matter how you say the words, whether you say that somebody died and there was a balloon inside or the balloon killed them –

CHAIRMAN BISHOP:

I get that argument. I understand that. I just want to focus now on can the balloon actually be the cause of death for the –

MR. ZETTLER:

The correct answer is absolutely yes, it can be. And so can glass, and so can a grape, and so can anything else that you can put in someone's mouth or in an animal's mouth. The problem is how

much – how often does it occur because of a balloon. What Jessica was trying to address is that it has never been documented that because of a balloon. Things like the soda can, the plastic things from soda cans, that has caused death in animals. They have opened up large mammals, whales and such, and they found tires in there and other things. Pardon me?

CHAIRMAN BISHOP:

That industry came and said that they changed the way they make those so it can't cause death anymore.

MR. ZETTLER:

Well, maybe they have, and you know what? That is not anything that I am aware of, but things like that do happen. Again, it has never been founded anywhere according to research done by this committee and by a number of other people within the industry that a death has occurred in an animal or a mammal or a fish because of a balloon. Children have choked on balloons and they have died, yes. Now, that may be foolish of me to say, but that is the God's honest truth. I believe the statistics show that it basically has gone down, the number of children, every year since the statistics were kept, and I believe they have been kept for about 15 or 17 years.

CHAIRMAN BISHOP:

You would support a ban on mass release if the mass release number was larger. Did I hear that correct?

MR. ZETTLER:

Yes, I believe so. Yes, we would.

CHAIRMAN BISHOP:

Okay. Legislator Nowick, who is not a member of the committee, but is kind enough to join us today, I believe has some questions.

LEGISLATOR NOWICK:

Thank you for being here. I would just like to address a few points. We do disagree. The first statement from Mr. Marty – what is your last name?

MR. GREENSTEIN:

Greenstein.

LEGISLATOR NOWICK:

Mr. Greenstein, is that there is not one piece of evidence that comes to the conclusion that there has been any death from balloons. I have here a letter in front of me from a { Anna Marie Island, Turtle Watch}, and I won't read the whole thing because I know everybody doesn't want to hear it all the time and I know we have other groups that are going to speak. But the bottom line is that this turtle, when the autopsy was done, a six inch piece of balloon was found and that is what killed the turtle. I can give you the letters if you like and certainly the committee has the letters. That is number one.

When you talk about balloon litter and you say that along the beach there is other litter, yeah, that is true, and I don't like that either, but litter is litter and litter is litter whether these balloons are biodegradable in six months or four months or three months they are out there. I compare that litter to oak leaves that biodegrade. I know that and we have spoken about this before. I know that the – I have to call somebody in to rake up my oak leaves because they don't seem to ever biodegrade, as same as a balloon. And also, when we talk about the litter I also think of the

wonderful joy it is for children to go to McDonald's and when they are finishing eating – they still go to McDonald's, but when they are finished eating they take that paper and don't throw it up in the air and litter like we do when we release balloons. They come down and it is litter, and litter by any other name is litter.

I would like to also speak to the point about the joy selling balloons and receiving balloons and I would like to bring your attention to an article from St. James Plaza Nursing Facility that had their 29th annual balloon this year – it used to be a balloon release, now it is a balloon pop. It seemed that the older generation is supporting this, the children's bill, where they had a balloon pop and they also released doves.

This bill I am going to just reiterate is the intentional release, not a mistake. This is the release where we worry – actually, this bill – we are trying to educate the public. When cell phones were banned that did not stop the sale of cell phones. We still have our cell phones, but the Legislature educated us. This is going to teach us about the responsible disposal of these balloons. And we can talk about archways not being released or being released, but quite frankly, I was at a breakfast and I believe it was your – I know it was your organization – that released an archway up into the air, intentionally released the archway.

Now, when we speak about 15 balloons or 200 balloons or 500 balloons, I am interested in the balloons that are released at weddings and confirmations, where there three at a time, two at a time, and tables of them are released with string. We have to look at all sides of this.

Let me also ask you another question, Mr. Ganz, is it?

MS. GANZ:

Miss.

LEGISLATOR NOWICK:

Ms. Ganz, I'm sorry. Jessica Ganz tells me that this is outdate and are you aware that the White House has a ban of mass release of balloons as does Disney, as does all national parks?

MS. GANZ:

I am aware.

LEGISLATOR NOWICK:

And they do not feel that this is antiquated. They feel that this is a good way to educate the public. Again, I am going to say, litter is litter. I am going to let the experts handle it from here, but my only point is litter is litter is litter is litter, and there are animals being hurt. Now, I am going to let the experts handle the rest.

MR. ZETTLER:

Ms. Nowick, if I may comment would it be okay?

LEGISLATOR NOWICK:

Yes.

MR. ZETTLER:

Speaking of experts, I know will put on my decorator's hat and proclaim to this group proudly that I had the distinct pleasure of decorating at the White House during the Clinton administration for the East Egg Hunt and Roll. The main reason for no balloon releases being made over the

White House is not an environmental issue at all. It is that there is so much electronic surveillance equipment that is so incredibly sensitive that runs across the airways of the White House, that balloons cannot –

LEGISLATOR NOWICK:

Just another reason why not to release balloons.

MR. ZETTLER:

That balloons could not be released over the White House. If I stepped outside the boundaries of the White House, it would have been fine. We actually built arches on the White House property, on the lawn, and we had to cover the arches to be absolutely careful, which something you would never do. If you build an arch, you build an arch and it is over. We had to actually cover them in netting to protect the balloons from rising above head height basically because of all the sensitive material. It was not an environmental issue at all, I can assure you.

MR. GREENSTEIN:

When you discuss the nursing home that is popping the balloons, that is adorable, all right, because when you put a whole lot of balloons on the floor and people pop them, there is almost always the chance of somebody stepping on one of those balloons and falling and getting hurt. But what I am more concerned with is – pardon?

LEGISLATOR NOWICK:

Most of them were in wheelchairs.

MR. GREENSTEIN:

What I am much more concerned with is the environmental devastation of releasing doves that are harmless animals to the air that have absolutely no clue of what to do. Doves are a bird that is bred in captivity and when they are released they die. They have no place to go, they have no way to fend for themselves. When you have a wedding release, the professionals bring white homing pigeons. So, not everybody knows the right thing to do, and we can be educating everybody, and I don't mean to be argumentative. I don't like the litter any more than anybody else, and I will take steps and help educate my community and the people that I do business with. But the real issue is that (a), you can't get into anyone's head and know whether they did it or didn't do it on purpose, and I would agree that a professional release of 500 or more balloons, I would certainly – I will work with you to lobby against it. I will write articles in the balloon magazines. But I think anything below that will, as Mark said, send the wrong message to the wrong people. You are not going to educate the people that way.

MR. ZETTLER:

Another item, if I may, you talked about cell phones and the bans on the, I believe on the cars without speaker phones or whatever it happens to be. It is an interesting thing that you said. The problem with equating balloons to cell phones, or anything else for that matter, is that balloons are not a staple, if you will. People cannot live, I am sure most of us have all turned our cell phones on to silent while we are here, but we really can't live without them, just like we can't live without water or milk or bread or a number of other things. But balloons you can certainly live without. And just because you legislate a certain thing about cell phones, it is almost a necessity of life and people will find a way to make use of it. If you ban certain other items, like a balloon, we are not essential to the world. If you wiped off all balloon deliveries and decorating on the planet, no one would really be that much – that hurt, really, by them not being here. That

– it really turns people off in a different way rather than finding a way to work with their cell phone because they have to have it.

LEGISLATOR NOWICK:

Well, I think we are getting off the topic, but we will let the other people have a chance to speak.

CHAIRMAN BISHOP:

Thank you all very much. I appreciate it. Other people who are --

MR. GREENSTEIN:

Would you like a copy of this statement?

CHAIRMAN BISHOP:

Yes, of course. Mr. Heer will take it. I have as well Steven Vogel, Paul Cristofordis, Pamela Hilger. Would you three like to come up? Is there anything you want to add to the discussion?

MS. HILGER:

Actually, I feel that --

CHAIRMAN BISHOP:

I think if you are going to speak then you definitely have to do it on the record -- even if it is to say you agree, if that is what you want to say.

MS. HILGER:

I think the three people that were up here --

CHAIRMAN BISHOP:

Say who you are.

MS. HILGER:

Hi. My name is Pamel Hilger.

CHAIRMAN BISHOP:

Good afternoon.

MS. HILGER:

Good afternoon. Hi, how are you? I make my living selling balloons and doing bar mitzvahs and weddings and birthday parties and watching people walk into a room and be very excited and very happy about a very special occasion. I lived prior to this in Florida just a few blocks from Daytona for 15 years, and on the average in those 15 years I probably walked the beach once a week. In all that time, honestly I was looking for balloons, but I have never found one. Unfortunately, I did find a lot of bottles and cans and plastic things that hold bottles together and diapers and etceteras, unfortunately. I am glad and I am happy that there is the environmentalists that are trying to keep litter off our beaches. I support that. I love our beaches as everyone else does, but I have never found a balloon on a beach. I do feel, other than that, that the three people that were up here previously has covered most everything else that we had to say.

CHAIRMAN BISHOP:

Would you also support a measure that increased the ban number? In other words, no more than 50 balloons?

MS. HILGER:

Well, I think 50 is a little bit low. I do support the measure that, you know, of 500 more or thereabouts in that range would be something that I would support, intentional releases of 500 or more balloons. I would support that.

CHAIRMAN BISHOP:

Thank you.

MR. CHRISTOFORIDIS:

Hi. My name is Paul Christoforidis. My company is Balloon Bouquets of Long Island, which I have had here on Long Island since 1985. I have been involved in balloons and parties and special events since 1982. Everybody pretty much covered everything here so I am not going to belabor the point.

My main question is that this seems to be too open to interpretation. You have only mentioned quantity. You haven't mentioned size, and size matters. Latex balloons range anywhere from five inches to eight feet. So does that mean I can release four eight foot balloons? Does it have to be helium filled only or are you talking air filled that get away, as Marty had mentioned, by mistake? It just seems to be sending the wrong message. Balloons can get loose in a tent.

I know you talked about intent, but the reason we are saying 500 is no balloon professional would with intent do a release less than 500 balloons. It is not worth the time and the effort. Anything less than 500 balloons being released would obviously be a mistake. Nobody would do something that small. So, 500 or 1,000 or so is the only way to have an impact. Nobody would want to pay to have a 100 or 200 balloon release because it would be over in about a second.

I just recently had an experience where a friend's father passed away. She wanted to have balloons for her little child at the gravesite but then she hesitated because she was afraid that she would get into trouble or have some sort of repercussions with that. So that is sort of the thing we are looking at, is the negative image that is associated with it, even if it is not by intent. So, I think that is what we are concerned about. Right now it seems to be that is this all worth the anxiety of a child experiencing that as well as the financial impact of the small businesspeople. Thank you.

CHAIRMAN BISHOP:

Are there any questions for these, I'll call them witnesses. None. I am just going to make a comment. I, when I first saw this proposal, was quoted in the paper as saying seemingly silly, but obviously there is a constituency that is very concerned about the issue and they are by and large children. I think that the industry is concerned that you are going to go the way of the whaling industry in Japan and tuna industry and you are going to be branded as bad people if you use balloons and you are trying to protect your industry from that stigma.

I think that from what I hear there seems to be a lot of room to work with the sponsor, if the sponsor would, on creating some legislation that would be acceptable to the balloon industry and

also send the message that the mass release of balloons in large quantities could potentially be detrimental. This way children would understand that holding a balloon is not going to kill a turtle, but also we would not have the problem of large quantities of balloons ending up on our beaches. I would ask the sponsor to consider doing that. Perhaps that is the best way to get the votes necessary to pass this legislation. It would also allow these people to move on with their business and we can send the right message which ultimately, I think, is what you are attempting to do. Thank you very much. We will vote on this later. You are not taking me up on my offer, I see, Legislator Nowick. I think that is it on this topic. Is that correct, on balloons? Okay. Yes, we are eager to hear from you. Welcome back.

MS. PENZICK:

Yes, I have been around. I basically have –

CHAIRMAN BISHOP:

Say who you are. I'm sorry.

MS. PENZICK:

Sorry. My name is Marie Penzick. I am the Education Chair of Sierra Club, but I have also been following this issue very personally because I participate in all those beach clean-ups, and I think it is great that some people can go to beaches that are so clean they don't find one balloon, but every beach I've gone to I have found lots of them, and so has everyone else. As a matter of fact, the Center for Marine Conservation that runs the beach clean ups every year in 1999 documented 32,028 balloons found in the national beach clean up. By the year 2000, which was only one year later, 40,655, an obvious increase. And this is documented. These are people who go down to the beach, pick them up, and count them.

In Virginia, anti-balloon legislation was the result of a beach clean up where people saw so many balloons that they decided to weight them and they found a 30 pound pile. They separated them from the rest of the garbage and weighed them in at 30 pounds. I would like to know what beaches don't have balloons. We are also told that they are biodegradable, that they are made of latex, and that it is a very safe product. Well, plastic bags are made of petroleum oil found from the ground, nature's product, but when you have a plastic bag it no longer looks like oil anymore, just like the balloons no longer look like sap from a tree. If it was sap from a tree, it would be biodegradable, but now that they have been changed chemically into balloons, they are no longer safe for marine life. Just as you get any product that contains a plastic bag and there are warnings on that bag saying do not put near children because of the obvious suffocation implications.

These balloons lay on the surface of the water of the ocean where many of them are not even counted, so the 40,000 that were documented were only the ones that landed on the beaches. The ones that land in the oceans are never counted.

I happen to know, however, a commercial fishermen, and several days after the massive balloon release of 1,000 balloons from Little League in Huntington, he went out on his boat into the Atlantic Ocean and picked this up floating in the water. Red, white, and blue balloons were released from the Huntington Little League about four or five days before that. These were floating on the Atlantic Ocean.

CHAIRMAN BISHOP:

What are you advocating, the one in the bill at five – advocated by the industry is 500. Is there –

MS. PENZICK:

No, I don't advocate 500. Five hundred is lethal and 300 is not? One balloon could kill one marine mammal.

CHAIRMAN BISHOP:

So you are for the banning of the balloons.

MS. PENZICK:

I support the bill that is on the board right now.

CHAIRMAN BISHOP:

The bill on the board is five.

MS. PENZICK:

Any balloon that is even released unintentionally can land in our water, in our ocean, will last there for up to a year, it does not biodegrade, and it is just sitting there waiting for a marine mammal to swallow it. And there have been many documented cases, so, I don't know where they are doing their resource, from very valid organizations, such as Ocean Conservancy, Marine Mammal Commission, Clean Ocean Action, American {Latoral} Society, Sea Grant, Riverhead Foundation for Marine Research, and even according to our own EPA puts out a booklet called Turning the Tide on Trash. And they mention the ingestion by marine mammals – I see I have a big audience. This booklet, Turning the Tide on Trash, by our own Environmental Protection Agency, talks about how lethal the marine debris is when it is floating on the water and animals ingest it. So, I guess all these other organizations are wrong. I rest my case.

CHAIRMAN BISHOP:

Thank you.

MR. GREENSTEIN:

I did that release Those are not my balloons.

MS. PENZICK:

It doesn't really matter whether they are or they are not. The were found on the ocean.

CHAIRMAN BISHOP:

Thank you. That concludes balloons today until we have a vote. Could you try to round them up?

MR. TURNER:

Dave, I just want to let you know that the working group is together. The ATV people are all here together.

CHAIRMAN BISHOP:

I know how to get Cooper in here. Would the people who are here on the wall proposal, 1589 – two people, is that correct? Hi. Good afternoon. We will wait a minute for at least one more member of the committee. Do you want to speak on balloons while you are here?

MS. AFBISHER:

No, nor float any.

CHAIRMAN BISHOP:

1589 is a resolution of Legislator Allan Binder for planning steps for a Greenways acquisition of six acres owned by Fred Wall on the south side of 25A, west of Old Northport Road in Huntington. It is for an active parkland, meaning a park where you can recreate in, and to be used as a town camp for the developmentally disabled based on an April 19, 2002 letter from the Town Department of Planning and Environment. A resolution would have to come at a later date when we actually – okay. So this is planning steps, which means that we have a two step process. If we approve planning steps, we authorize our Real Estate Division to forward, conduct an appraisal of the property, and do preliminary negotiation. If there was an agreement, tentative, it would come back to the Legislature for a second vote at a later date. Why don't we hear from the three of you.

MS. AFBISHER:

Hi. I am Milliam Afbisher from Old Northport Road in Huntington. While I support wholeheartedly your efforts to promote Greenway programs in Suffolk County, I question its application on Old Northport Road and 25A.

We have several concerns. Number one. We learned of the proposal – we found out about this proposal only through Suffolk Life, quite by chance, and basically that is all the information residents living on the street surrounding this proposed area of development have. We have this information. So, we have many questions.

Why did Binder, and I notice he is not here, nor is Jon Cooper, why did they propose an active park and not a passive park? What would cause them to opt for an active park rather than a passive park on this six acres? To propose a camp for the six acres I believe would require a massive traffic study for that area. Old Northport Road alone has had many problems, including a child killed, you know, obsessive speeder down the road. Three stop signs have been placed there because it is a favorite cut through. On 25A in that region many accidents – I mean, the commercial development is exploding and the traffic that results is problematic. So, I question the location of this active park or camp in this site.

Most residents expected residential development and were surprised to read this article. Can I ask you – is there any give and take here? Will you respond to any of my questions? Could Jon?

CHAIRMAN BISHOP:

Are you a cosponsor?

LEGISLATOR COOPER:

No, I am not. I'm sorry I am coming in at the tail of the discussion. This is on the handicapped –

MS. AFBISHER:

This is on the camp for the disabled.

LEGISLATOR COOPER:

I actually thought that this was my district until we took a good look at the map, and it is actually just into Legislator Binder's district. Your concern is that there wasn't enough outreach to the community in advance –

MS. AFBISHER:

There wasn't any, period. The only outreach was from Suffolk Life.

LEGISLATOR COOPER:

And what is your concern over having the park in that particular area as opposed to a housing development?

MS. AFBISHER:

Well, the concern is that, first of all, traffic has been a horrendous problem in this area.

LEGISLATOR COOPER:

I know. My district office is across the street.

MS. AFBISHER:

I don't know where egress or ingress will be for this camp. Is there a site plan available?

LEGISLATOR COOPER:

Again, you would have to ask Legislator Binder.

MS. AFBISHER:

We haven't even had the privilege of seeing a site plan.

CHAIRMAN BISHOP:

I will engage so you get some perspective on it.

MS. AFBISHER:

Great.

CHAIRMAN BISHOP:

The Greenways Program was created by the Legislature to encourage the creation of more active recreational space, particularly in Western Suffolk County because there is a severe lack of parks where people can recreate. The way the program works is it must have a partnership between a local government or community organization and the County. The County will use its resources to purchase property, but we will not run the park, only the local partner will run the park.

In this case, from what I know about this, it appears to be that the Town of Huntington is willing to run a park at that location because there is reference to letter from the Town of Huntington. So, they would have the site plan. Our role is simply to appropriate money to buy land to create new parks. Having said that, I think this the first time we have encountered a situation where people have supported development as opposed to a park, so if we look a little ensconced, it is because we never had that.

MS. AFBISHER:

So noted.

CHAIRMAN BISHOP:

But I guess it comes about because there, as you point out, there hasn't been discussion with the neighboring community.

MS. AFBISHER:

And there are many questions.

CHAIRMAN BISHOP:

But as I would point out, this is a two step process. If we approve this, we are simply authorizing the County to move forward with preliminary steps. You would have to come back for a second vote, and presumably if this is the way it goes, then the Town of Huntington would have – or the organization would have to meet with the community and let them know what the plan is.

MS. AFBISHER:

We have requested a meeting with the Town Board and apparently we are getting on the agenda soon in the public section. So, that should be good.

LEGISLATOR COOPER:

Excuse me. I would say, though, that since this parcel is so close to my district, it is literally right across the street, that if you do have any concerns, and particularly if you are my constituents, please contact my office. I would like to know what your concerns are. Whenever I have put in a planning steps resolution to acquire parcel, whether it is for active parkland or open space, I always have a community meeting because I want to get input from the local residents. Perhaps that wasn't done in this case. Again, it is not my district so I can't hold the meeting, but I would like to know what your thoughts are. So, if you could please get in touch with my office. I can pass it on directly to Allan Binder, but I would suggest that you reach out to him, and I am sure that he would like to take your concerns into consideration.

MS. AFBISHER:

Very good. I certainly will.

MR. BERTOSSI:

My name is Robert Bertossi. I am from Old Northport Road. I am just concerned as to perhaps we don't know the routine as well as we should, particularly at my age, but I am concerned about why we weren't given some information on this prior to this. I don't know that we are at the right place presently. That is my disappointment. I guess that is not your concern. That would be other people's – Legislator's concern.

CHAIRMAN BISHOP:

Well, I don't want to say you are in the wrong place. Obviously we are considering something that – as part of the process. But as for the specific site plan and traffic management, that is the Town of Huntington's responsibility. We, as I said, we are the ones who appropriate money to buy land for parks, but we don't manage the parks or build the parks. We give that to the local partner.

MR. BERTOSSI:

I understand that. I am curious about how much discussion has gone on with the Town of Huntington and the Legislature. Not you, but the Legislators that are representing us. We have been having review of this property for other facilities in the past, and the interesting thing is the developer who backed out of an assisted living facility had the consideration of coming directly to us before going to anyone else, or even apply for a permit or any issues. We haven't had that from our elected representatives. That is very disappointing.

CHAIRMAN BISHOP:

Do any Legislators have any questions for people who came down?

LEGISLATOR CRECCA:

I'm sorry. I apologize, I know I was out in the hallway when the discussion started. Have you

sat down with Legislator Binder, who is the sponsor of the bill?

MS. AFBISHER:

No. I did call his office. I haven't been able to speak with him yet.

MR. BERTOSSI:

Part of the answer is that we thought that he would be here today. We were led to believe that there would be some value in us being here.

LEGISLATOR CRECCA:

And I didn't mean that as a criticism of you. I meant that that is not a bad idea for you to contact him.

MR. BERTOSSI:

We are not thin skinned.

LEGISLATOR CRECCA:

Okay. Because I think that is a good idea, too. I caught the tail end of it and I caught a little bit outside in the hallway from the speakers, but it is probably a good idea.

CHAIRMAN BISHOP:

Thank you all. Why don't we do this. We will take these two, the balloon bill and this Wall property out of order and then we will do the ATV presentation so these folks don't have to hang around for all of that.

LEGISLATOR CRECCA:

Motion to take 1589 out of order.

CHAIRMAN BISHOP:

Motion to take 1589 out of order. That is the Wall property.

1589 Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Wall Property (Town of Huntington). Assigned to Environment, Land Acquisition & Planning. (Binder). I will make a motion to table it for one meeting so that the community can speak with the sponsor. I will say, however, that I think that a park of this nature is needed and we are in desperate search of available property. I don't anticipate opposing this at a later date, but I will provide them the courtesy of allowing them to speak with the sponsor.

Motion to table by myself, second by Legislator Crecca. All in favor? Opposed? 1589 is tabled for one cycle. **(Vote: 4/0/0/0 Not Present: Legislator Caracciolo)**

The next piece of legislation to take out of our is 1450. Motion by myself to take it out of order, second by Legislator Crecca. It is now before us.

1450 Adopting Local Law No. – 2002, a Local Law to ban mass release of balloons within the County of Suffolk. (Nowick).

Is the sponsor –

LEGISLATOR CRECCA:

Yeah, the sponsor has requested it be tabled one cycle so she has the opportunity to sit down with the Sierra Club again and also sit down with, I think, Legislator Cooper and some other legislators to see if they can fine tune the bill a little bit.

CHAIRMAN BISHOP:

I think that is excellent. I hear enough common ground that I think that this tabling will be productive, and I appreciate it, Legislator Nowick. Motion to table by myself, seconded by Legislator Cooper. All in favor? Opposed? 1450 is tabled. **(Vote: 4/0/0/1 Not Present: Legislator Caracciolo)**

Thank you. Now we will have the ATV Committee, who has patiently waited. I want you to know, John, you were card 8,9 10, 11, so you weren't

MR. TURNER:

I appreciated listening to the prior discussion. Good afternoon, Legislator Bishop and members of the ELAP Committee. For the record, my name is John Turner. I serve as Director of Conservation Programs for the Long Island Chapters of The Nature Conservancy. I will let other representatives from the ATV riding community introduce themselves, but I thought I would just make a very brief remark.

One is to expression our appreciation to be able to provide some thoughts about and the work of the ATV working group. We gave an identical or similar presentation to Legislator Fields' Parks Committee a couple of weeks ago.

For the past year or so this group has come together. The central logic underpinning our thinking is that the current situation with regard to ATV use in the County is not working. What I mean by that is that the current situation has resulted in the widespread degradation of public parklands from illicit ATV use. Many of these parklands have significant ecological and environmental value, and this is going on despite the fact that one, there is thoughtful and important legislation that this Legislature has implemented in the past to establish fines, redemption fees, the truth in selling statement, all of which are worthwhile and important, as well as the efforts of the Suffolk County Park Police and DEC police in their conducting of, if you want to call them sting operations, to try to catch those illegal riders. And that it made sense for this committee to explore, therefore, the feasibility of establishing a site, and our thought, quite frankly, early on was under the County's active recreational component of the Greenways Program where ATV use could be permitted.

And so, as I say, we have been meeting over the last year or so. We have had the cooperation of the Suffolk County Parks Department with Commission Peter Scully and Suffolk County Planning Department with Commissioner Thomas Isles, and we have just been going through some of the issues that relate with a proposal of this nature. So, the thought would be that we wanted to apprise you of the work of this committee in future deliberations of any resolution that may come out of this effort, if indeed this effort is successful. It would, of course, come to your committee, come to Ginny's committee. We thought that we owed you that courtesy to provide you with this information early on.

CHAIRMAN BISHOP:

We appreciate it.

MR. OTT:

Thank you for meeting with us. My name is Bob Ott. I am a surveyor here in Suffolk County. I

am also a member of the Long Island Off Road Vehicle Association and a member of the Eastern Long Island Motorcycle Club. As a member of the Eastern Long Island Motorcycle Club, we have had over the past 20 years probably about 200 events here in Suffolk County. Usually they are on public land and it has been basically through the day permits and general use permits and with concern for the environment and everything.

Now the situation is such that really there is no ATV use at all permitted on public lands. It is really not a very good situation for the ATV user groups and it is not a good situation for the people in charge of administrating the public lands, mainly from an enforcement problem. And we have had numerous discussions over the last year.

The basic goal is to, through the Greenways Program, obtain a parcel or parcels that are now in the private sector and get them into the public sector, parcels that ultimately would be either residentially, commercially or industrial developed, and acquire those parcels specifically for ATV use. And our group would be the – we are proposing that we would be the administrators or the guardians of that parcel and we are envisioning something along the lines of the way the bicyclists have their facilities set up where like there is a small little gravel parking lot in the front and a little post and rail fence around it and a sign. Our goal basically is to keep the parcel clean and vacant unimproved. We are not proposing any buildings, not any access roadways, no clearing aside from a just a minor parking lot. Basically to kind of keep it as is.

CHAIRMAN BISHOP:

Is there a parcel picked out?

MR. TURNER:

No, there isn't. One of the issues early on was coming up with the criteria that would guide a selection process, a parcel selection process. We came up with the criteria basically being as, as Bob indicated, a parcel that would be about 50 acres in size that was zoned commercial or industrial, and would be sufficiently removed from any residential community. I think a half mile was the criteria.

CHAIRMAN BISHOP:

And there is such an animal out there?

MR. TURNER:

Well, we identified – Tom Isles may know better – but I think we came up with six, seven parcels that met that criteria. There is actually more than that meet it, but those were the ones that were narrowed down. Some of those were, I think, immediately eliminated. We by no means are at the point where we are saying this is the parcel that should be the focus of our efforts, but we begin to take a look at parcels that do meet that criteria.

CHAIRMAN BISHOP:

Okay. Do any of the gentlemen want to speak?

MR. RIKER:

Yes. My name is Tom Riker. I am also a member of Long Island Off Road Vehicle Association and ELIMC, Eastern Long Island Motorcycle. The sales in Suffolk County total over \$27 million a year in ATV and off road motorcycles. We are not specifically speaking of just ATV's, we are talking about off road motorcycles also, which seem to be in that same category.

It seems to be, obviously, just a Suffolk County area. We go to other areas in New York State.

They welcome us. They see it as an avenue to generate revenue. They run them. We've presented portfolios showing different parks that are actually run like you would run a park here for the sole purpose of ATV off road motorcycle use.

The situation we have now, obviously, is as Bob has said, we have a situation where it is almost unpoliceable because of all of the people that own them. There are laws that have been passed to try to educate the buyers that there is no legal place that you can operate it in Suffolk County, and that obviously will help to some degree depending on how it is enforced at the dealerships. But our feelings is that it is a recognizable user group that may not be able to occupy all properties, but there has to be a parcel somewhere on Long Island that we can make use of that may not be environmentally sensitive or so on and so forth. Thank you.

MR. ROCOVICTT:

How are you doing. Thank you for seeing us. My name is Brian Rocovictt from Long Island Off Road Vehicle Association. Just a quick thing. It is some of the stuff we went over before. We are not a dealership. I agree with the truth in selling bill. We are not a dealership or an area on Long Island looking to make money. We are a user group. We are not – you know, I have heard questions about what the dealers do and this and that. They are the dealers, we are a user group. We have no ties with them, and we don't do anything with them. We want to be able to ride legally on the Island.

CHAIRMAN BISHOP:

If you guys have a solution that you all agree on, we are not going to stand in the way. That is good news. Are there any questions? Thank you for your hard work. I guess now we have to go find a parcel that's going to be acceptable. That seems to be, I would think, the harder job.

LEGISLATOR CRECCA:

Is there a size piece of land that you are –

CHAIRMAN BISHOP:

Fifty acres.

LEGISLATOR CRECCA:

Oh, they did say that? I apologize. I didn't hear that.

MR. TURNER:

Legislator Crecca, let me just fill you in. The thoughts early on in terms of criteria, this is a type of a facility that we perfectly understand don't want next to certain places, and so we thought that it made sense to try to find as parcel that would be at least half of a mile from any residential community. I think that from an operational perspective, as these gentlemen said, it really needed to be of meaningful size, so we came up with 50 acres. And then the thought was that it be a commercially/industrially zoned parcel so that you can deal with the zoning issue. So that those were the criteria that we have used to begin to look at potential sites.

MR. RIKER:

One thing I would like to mention. Obviously we are looking to obtain any size parcel that we can get because when you have nothing, anything is – we are open for anything. But the important thing for us is that we don't want to structure this thing for failure because it does nobody any good that way. It doesn't help you guys, it doesn't help us. What we want to do is we want to

make sure that when we do it, and even if we start off smaller, we want to structured it so that we are not a hindrance to the people that live in the area, we are not a disturbance. We are aware there are issues with sound. There are issues with erosion. There is a number of issues, no different than any other users group faces, whether it be equestrians or mountain bikers or whatever. They all have issues to deal with. But our main concern is as far as the size of the property is making it in a way that we are not setting it up for failure.

CHAIRMAN BISHOP:

Thank you all.

MR. TURNER:

Thank you.

CHAIRMAN BISHOP:

Janet, our final speaker. Janet, what is your issue today?

MS. GOLTZ:

Good afternoon. My name is Janet Goltz, and I am going to read an article from Newsday, if that is okay.

CHAIRMAN BISHOP:

Regarding environment?

MS. GOLTZ:

Yes.

CHAIRMAN BISHOP:

It falls within out –

MS. GOLTZ:

Very much so. I will just read the article. It shouldn't take that long, and I notice that you do have a quorum. The article was written by David Rusk, and you wouldn't know from the title, but this article is about really consolidated county governments and some of the benefits of that form of government. The title, "Little Box Government Spurs LI Segregation", by David Rusk.

"To the outside world, it's Long Island. To the U. S. Census Bureau, it's the 1,198 square mile, 2.8 million person "Nassau-Suffolk NY Primary Metropolitan Statistical Area (PMSA)."

But, to anti-sprawl environmentalists and social-justice advocates, it's just a frustrating maze of "little-box" governments – 110 villages, towns and cities, and 127 school districts.

Fragmented government means fragmented societies and competition – rather than collaboration – on important issues. State government must require Long Island's little boxes to act as one big box on issues shaping its future.

Typically, the unspoken agenda of most little-box councils (or most little-box school boards) is "to keep our town (or our schools) just the way they are for people just like us" – whoever "us" happens to be. The result is that Long Island is highly divided by race and ethnicity. For black residents, Long Island is the most segregated suburb in America, based on calculations by the Mumford Center at SUNY, Albany.

Census 2000 confirms this dubious distinction. On a scale of 0 to 100 (100 = total apartheid),

Long Island's segregation index was 74. The index measures how unevenly the black population is spread around Long Island neighborhoods.

Other metropolitan areas were more segregated – for example, Detroit (85), Milwaukee (82), Chicago (81) or the New York PMSA itself (the city, Putnam, Rockland and Westchester counties, 82). But their high segregation indexes reflected a sharp racial divide between city and suburb.

Long Island was remarkable for the degree to which its black residents had re-segregated after leaving New York City.

Long Island both lagged the nation's racial progress (among the 100 largest metro areas, the black segregation index averaged 60 in 2000) and dropped behind on other fronts. During the 1990s, Long Island's schools became more economically segregated, condemning poor children to inferior education.

Long Island has many assets. Nassau County ranks second in household income among all counties. Suffolk County isn't far behind.

But the county governments are relatively powerless, particularly in functions that shape a region's future – land-use controls, economic development programs, housing policy and public schools.

Highly dependent on property taxes, Long Island's 110 local governments compete rather than collaborate over new factories, office parks, strip shopping centers and malls. All seek hew, high income subdivisions and most zone out low and modest income housing.

Contrast this picture with two big-box competitors – Fairfax County, VA, and Montgomery County, MD., both suburbs of Washington, D.C. They are, respectively, the United States' highest and fourth highest income counties. Together, these two counties approach Long Island in land area and population size. But there, comparisons end.

Rather than 110 local governments, Montgomery County has only eight with zoning powers and Fairfax County has none. Rather than 127 school districts, they have unified, countywide systems that rank among the United States' best.

In the 1990s, Fairfax-Montgomery added both jobs (21 percent) and population (17 percent) three times faster than Long Island. Real personal income per capita grew much more robustly (13.5 percent) than Long Island's (8.6 percent).

Countywide land use planning balances growth with conservation, particularly in Montgomery County, which has permanently protected almost one-third of the county's land as farmland and public parks. (Suffolk protects about 27 percent).

Most remarkably, unlike Long Island's widespread practice of exclusionary zoning, both counties enacted inclusionary zoning laws requiring builders to include 15 percent affordable housing in new subdivisions.

Complying with Montgomery County's mandate, over 25 years, homebuilders have delivered more than 11,000 Moderately Priced Dwelling Units (MPDUs) scattered within new, middle class subdivisions. The county's public housing authority has bought 1,600 MPDUs and rents another 1,200.

(A similar Long Island-wide inclusionary zoning policy would have yielded 11,800 affordable units for working families and another 5,900 for welfare to workfare families. Such a policy would have cut Long Island's economic segregation in half.) Moreover, deliberate diversification of their housing stock has helped, not hindered, economic development in Fairfax and Montgomery.

Barring a constitutional miracle, Long Island won't merge its 110 local governments or 127 school districts to become a big-box region. But a reform-minded new York State Legislature can set new rules requiring cities, towns and villages to work together on common land use, house and economic development policies. And they can enable county governments to guide that process.

And who knows? New York's constitution calls for a vote on holding a constitutional convention every 20 years. The door to modernization swings open in 2017. By then, the once Empire State will have dropped so far behind its big-box competitors that New Yorkers may be prepared to move 18th century forms of government into the 21st century."

Thank you, and I have copies for all of you.

CHAIRMAN BISHOP:

Thank you, Janet. Let's go to the agenda, please.

LEGISLATOR CARACCILO:

Who was the author?

MS. GOLTZ:

It was in today's Newsday, page A27, and the author is David Rusk, who is a former Albuquerque mayor. He is a Washington based consultant on urban-suburban policy, and he is speaking tomorrow at a Long Island conference on racism. Thank you, Michael. Thank you, David.

CHAIRMAN BISHOP:

We are going to go to the agenda now. Why don't we start with page three, CEQ resolutions. Mr. Bagg, do you want to come forward? The red coat has returned.

LEGISLATOR CARACCILO:

You know, Jim, that is going to be your trademark, you know, your red jacket. And I don't know if you, Legislator Bishop, were old enough, and I don't say that disparagingly, but the former majority leader of New York State Senate –

CHAIRMAN BISHOP:

Warren Anderson.

LEGISLATOR CARACCILO:

Warren Anderson – then you might have remembered. At the end of session, which was always a top secret in Albany, nobody knew when the last day of session would be, but the trademark of Mr. Anderson would be he'd wear some very loud and audacious sport coat that no one ever saw before or after, and that would be the signal that session was over. So, in your case, hopefully that's a signal that this legislative committee meeting is almost over.

CHAIRMAN BISHOP:

Right. When the red coat rises, it means it is close to five o'clock and he wants to leave. Let's go

through these.

CEQ RESOLUTIONS

28-02 Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on April 30, 2002.

Motion to approve by myself, seconded by Legislator Caracciolo. It is approved. **(Vote: 3/0/0/2 Not Present: Legislators Cooper and Fields)**

29-02 Proposed Replacement of Security Booths at Suffolk County's Correctional Facilities, Towns of Brookhaven and Riverhead (Type II Action).

It is what it is, right?

MR. BAGG:

Yes, it is what it is. Council recommends a type II action.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Caracciolo. **(Vote: 3/0/0/2 Not Present: Legislators Cooper and Fields)**

30-02 Proposed Acquisition of Property of Grace Presbyterian Church under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Unlisted Action – Negative Declaration).

LEGISLATOR CARACCIOLO:

Motion.

LEGISLATOR CRECCA:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed? **(Vote: 3/0/0/2 Not Present: Legislators Cooper and Fields)**

31-02 Proposed Vector Control and Wetlands Management Long Term Plan County-wide (Type I Action – Positive Declaration).

This will result in a study.

MR. BAGG:

This will result in the preparation of a draft generic environmental impact statement, or if the Legislature concurs. I mean, the Legislature are the decision makers that have to make that decision. Council recommends that it is a type I action. They also recommend that a positive declaration be issued. I would like to point out that they recommend a procedure because there is more than one agency involved in the approvals in the Vector Control Program. So therefore they make a recommendation that a preliminary classification of type I and express the intent to declare the Legislature lead agency. The Legislature should then initiate, coordinate a review in order to ultimately declare themselves lead agency.

The CEQ in conjunction with the Department of Public Works would assist in performing the coordinated review with the other involved agencies, which include New York State DEC, Army Corp of Engineers, US Fish and Wildlife Service, the Town of Islip, Fire Island National Seashore, New York State Department of Health, and Suffolk County Department of Health Services. Each agency must be sent a coordination letter expressing the Legislature's intention to declare lead agency status along with a copy of the project EAF.

CHAIRMAN BISHOP:

Okay. This is the next step in getting a study before next year's authorization for a Vector Control plan.

MR. BAGG:

That is correct.

CHAIRMAN BISHOP:

That is the agreement between the Legislature and the Executive as I understand it. This action is in accord with it, so I would make a motion to approve.

LEGISLATOR CARACCIOLO:

Mr. Chairman. I understand your explanation, but I would just like to verify with Counsel that approval of this or support for this particular CEQ resolution number 30 in no way is tantamount to approving of the Vector Control plan.

CHAIRMAN BISHOP:

Thirty-one.

LEGISLATOR CARACCIOLO:

Thirty-one, I stand corrected.

MR. SABATINO:

No, it is not. I was just going to go back to my office to take a look at the document because I want to be sure that it is not in conflict with the litigation that was just filed against –

LEGISLATOR CARACCIOLO:

Then I will abstain, Mr. Chairman. That answered my question.

MR. BAGG:

I have one question before you vote. You would like to direct the CEQ in conjunction with the Department of Public Works to seek lead agency status on behalf of the County for this proposal? We will send out the coordination letters –

CHAIRMAN BISHOP:

Even I who have been critic of Health, I would have Health involved as one of the lead agencies.

MR. BAGG:

Well, you will be the lead agency, it is just a matter of preparing a letter and requesting that Suffolk County be lead agency, which in essence –

CHAIRMAN BISHOP:

You mean the County as an entity.

MR. BAGG:

As an entity.

CHAIRMAN BISHOP:

As a whole. Okay. Yes. Consider yourself so directed. Motion to approve by myself, second by Legislator Crecca. All in favor? Abstain?

MR. SABATINO:

Could you just back up? This is the proposed plan for 2003?

MR. BAGG:

Yes. This is for the long-term plan.

MR. SABATINO:

I think you might just want to table it one cycle so I can take a look at it. Only because we are in litigation right now. We just got sued a couple of days ago on what we did. I just want to be sure that this – nothing we do here –

CHAIRMAN BISHOP:

The filing of a lawsuit doesn't mean we are at fault.

MR. SABATINO:

No, I am not questioning being at fault – I mean, I haven't read the document. It just came like a day or two ago, and I just want to be sure. It is only going to be one cycle.

CHAIRMAN BISHOP:

You have until Tuesday, Paul. We don't vote on this at the Legislature, right? Okay, then we will table it. I will withdraw my motion. Motion to table for one cycle. All in favor? Opposed? It is tabled. **(Vote: 4/0/0/1 Not Present: Legislator Cooper)**

32-02 Proposed Improvements to CR 80, Montauk Highway, Between NYS Rte. 112 and CR 101, Sills Road, East Patchogue, Town of Brookhaven, CP 5534 (Unlisted Action – Negative Declaration).

MR. BAGG:

This project involves the realignment of key intersections, minor widening, drainage structures installation, new curbing and sidewalk installation, and resurfacing and traffic safety improvements.

LEGISLATOR CARACCILOLO:

Excuse me, Jim. This is a neg dec?

MR. BAGG:

Yes.

LEGISLATOR CARACCILOLO:

Motion to approve.

LEGISLATOR CRECCA:

Second.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, second by Legislator Crecca. If there is drainage involved, and one of the focuses of Legislator Fields, myself, is to insure that the drainages no longer go into creeks without filtering and advanced technologies. Is that part of this proposal, do you know?

MR. BAGG:

Yes. The Council tabled this review, sent it back to the Department of Public Works for reconsideration and added drainage projects and they added drainage projects. There is a vortex system installed plus additional leaching – as much as possible.

CHAIRMAN BISHOP:

Okay. That is why we need the minutes. That is why it will be helpful when we have them. I vote in the affirmative as well, so that is unanimously approved. **(Vote: 5/0/0/0)**

That concludes our CEQ resolutions. Thank you. Now let us go to the next page, tabled prime, before we go to the new introductory resolutions.

TABLED PRIME

1001 Appropriating Greenways infrastructure improvements fund grant for Miller Place property in Town of Brookhaven. Assigned to Environment, Land Acquisition & Planning. (Haley)

Motion to table by myself, second by Legislator Crecca. All in favor? Opposed? **(Vote: 5/0/0/0)**

1002 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates) Town of Brookhaven. Assigned to Environment, Land Acquisition & Planning. (Haley)

Same motion, same second, same vote. **(Vote: 5/0/0/0)**

1055 Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in Ridge) Town of Brookhaven. Assigned to Environment, Land Acquisition & Planning. (Haley)

Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 5/0/0/0)**

These are being tabled because we assume there is no change in status, Counsel. If you know of a change of status –

LEGISLATOR CRECCA:

1001 was tabled or approved? I apologize.

CHAIRMAN BISHOP:

Tabled.

MR. SABATINO:

I am monitoring, Mr. Chairman.

1149 Implementing Greenways Program in connection with acquisition of farmland development rights at Yaphank (Town of Brookhaven). Assigned to Environment, Land Acquisition & Planning. (Towle)

Motion to table by myself, second by Legislator Caracciolo. **(Vote: 5/0/0/0)**

1169 Implementing Suffolk County Water Quality Protection and Restoration Program. Assigned to Environment, Land Acquisition & Planning. (Co. Exec.)

Legislator Fields, where are we at with this?

LEGISLATOR FIELDS:

Motion to table. They have not come back.

CHAIRMAN BISHOP:

Yeah, but you were charged to try to –

LEGISLATOR CRECCA:

Who has not been back?

CHAIRMAN BISHOP:

Where are you at?

LEGISLATOR FIELDS:

The Department of Public Works was going to come back. Oh, you weren't at the meeting.

LEGISLATOR CRECCA:

No, I couldn't make the meeting.

LEGISLATOR FIELDS:

Vito?

LEGISLATOR CRECCA:

Can you come up to the microphone?

CHAIRMAN BISHOP:

I call that the Foley rule. You have to come up.

LEGISLATOR FIELDS:

The stenographer needs to get it on the record and we love your voice, but we don't want to make it hoarse.

MR. MINEI:

Good evening. The charge at the subcommittee meeting in your office, Ginny, was for DPW to collect information from all of the involved agencies regarding details on what would be entailed in their involvement in the quarter-cent and also any requests for staffing. I just spoke to Bill Shannon prior to this meeting, and Bill has meetings set up with both Cornell Cooperative

Extension and Soil and Water Conservation. The rest of us, I believe, have supplied information on what our involvement would be. So, he is still collecting information essentially.

LEGISLATOR FIELDS:

They are not ready.

CHAIRMAN BISHOP:

Excellent. That is what I wanted to know.

LEGISLATOR FIELDS:

Okay. Thank you.

CHAIRMAN BISHOP:

Thank you. Motion to table by Legislator Fields, second by myself. All in favor? Opposed?

(Vote: 5/0/0/0)

1412 Adopting Local Law No. Year 2002, a Charter Law adding article XXXVII to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Fund. (Fisher)

LEGISLATOR CARACCILO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed?

1412 is tabled. Opposed to tabling, Legislator Fields. **(Vote: 4/1/0/0 Opposed: Legislator Fields)**

1419 Authorizing planning steps for the acquisition of land under pay-as-you-go ¼% Taxpayer Protection Program (land known as Bluepoints Company Property – underwater lands, Town of Brookhaven). Fields.

LEGISLATOR FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by myself. All in favor? Opposed? **(Vote: 5/0/0/0)**

1450 we previously handled.

1540 Authorizing planning steps for the acquisition of land under pay-as-you-go ¼% Taxpayer Protection Program (Land of Ronkonkoma Cenacle, Town of Brookhaven). Assigned to Environment, Land Acquisition & Planning. (Caracappa)

Motion to table by myself, second by Legislator Caracciolo.

LEGISLATOR CRECCA:

Why do we table this one? It had a low rating or no? I thought we were waiting for something

on this.

MR. SABATINO:

It didn't make the minimum criteria.

CHAIRMAN BISHOP:

All right. Motion to table subject to call by myself. Second by Legislator Fields. All in favor? Opposed?

LEGISLATOR CRECCA:

Opposed.

CHAIRMAN BISHOP:

Your opposition is noted. **(vote: 4/1/0/0 Opposed: Legislator Crecca)**

The last page is tabled subject to call. Nobody is going to move anything out of there, right? Then to page one we go.

INTRODUCTORY PRIME

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1571 Implementing pay-as-you-go ¼% Taxpayer Protection Plan for Water Quality Protection and Restoration Program for Champlin Creek in Town of Islip. Assigned to Environment, Land Acquisition & Planning. (Alden)

LEGISLATOR CRECCA:

I would like to hear from the Planning Commissioner on this bill.

MR. ISLES:

Just a couple of very brief points. We have no quarrel with the basic intent of the resolution. We see it as implementing the new ¼% program for water quality. We do know, as we just discussed, 1169 has been tabled and that thus far there has been no process for screening these, so although this appears to be a worthwhile proposal –

CHAIRMAN BISHOP:

Innocuous. They are taking \$30,000 and using it to line the creek with volcanic Wyoming indigenous lava rock, which acts as a very good natural filter, and it is part of a test pilot program that we are conducting in the County to see if it is something that we can do.

MR. ISLES:

Yeah, and I am not going to debate that. That may very well be. We haven't heard from other agencies in terms of if that is the best solution at this location, and I am not here to debate that. But, you know, just to making the point once again, we don't have a process review. It addresses the {VOC's}, it doesn't address the other constituents necessarily. You will need eventually CEQ, there is no question about that, because it is a construction project adjacent to wetlands and so forth. There has been no CEQ. And then lastly, on implementation, the Planning Department is pleased to implement this if that is what the Legislature wishes. It will need contract drawings, bidding, bid management, contract management and so forth. So we would seek –

CHAIRMAN BISHOP:

That is not what DPW says. You know, it is one administration. If you guys can get together --

MR. ISLES:

Absolutely. We will do it, if that is the direction of the Legislature. I am only making the point that we will have to go to DPW obviously to do a plan, to get permits from DOT and DEC, to put it out to bid, to have the bid documents reviewed, and to award the bid and then manage the construction.

Certainly, here again, we are not here to quarrel with the idea. It may be a great idea, and we --

CHAIRMAN BISHOP:

I was at the meeting with the community and DPW, because I have been working with this -- these people who want to bring in this volcanic rock. DPW said that their preliminary tests show that it works, that they wanted to use this as a solution at this particular location, and that it would be a simple process of approving the legislation and they will do this in-house. So I don't understand -- your description makes it sound like it is a very cumbersome project.

MR. ISLES:

Certainly it is not intended to make it over cumbersome now. We do have to -- if we are going to go out and spend \$30,000 to buy this we do have to follow our procurement standards that I think would involve a bid, but -- and if DPW is going to do it in-house then that saves us the problem in that part of the construction.

Here again, the only points we wanted to make is that we haven't done the screening yet. If you want to proceed, that is obviously your judgement and so be it. We just think it should be screened. It does need CEQ, and in terms of the implementation --

LEGISLATOR CRECCA:

It does need CEQ, right, you said?

MR. ISLES:

Yeah, it would.

LEGISLATOR CRECCA:

You said it hasn't gone through the screening process?

MR. ISLES:

Well, that is what is being talked about in 1169, should there be a process for review or projects.

LEGISLATOR CRECCA:

Right. Okay. I didn't know what you meant.

MR. ISLES:

Certainly it is the prerogative of the Legislature to approve any project, and we are not going to debate that, but --

LEGISLATOR CRECCA:

Why don't we let it go through CEQ?

LEGISLATOR FIELDS:

I am going to make a motion to table just to get it through CEQ and then we can look at it after that.

LEGISLATOR BISHOP:

CEQ meets when?

MR. ISLES:

Once a month. We can put it on the June calendar.

CHAIRMAN BISHOP:

It goes there automatically, right? It is on the agenda or –

LEGISLATOR CRECCA:

Why don't we make a direction from the committee –

MR. ISLES:

We can certainly put it on the next meeting, yes.

LEGISLATOR BISHOP:

Ginny loves CEQ. Motion to table by Legislator Fields, seconded by Legislator Caracciolo. All in favor? Opposed? It is tabled. **(Vote: 5/0/0/0)**

1572 Making a SEQRA determination in connection with the proposed development of a plan to expand camping capacity at Sears Bellows County Park, Flanders, Town of Southampton. Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

LEGISLATOR CARACCILOLO:

That is Legislator Guldi's district.

CHAIRMAN BISHOP:

Is there a motion? Is there an explanation, Counsel?

MR. SABATINO:

Yes, this is going to designate an expansion of camping capacity at Sears Bellow as a type II action because it is only going to be the planning stage for collecting data.

CHAIRMAN BISHOP:

Motion by Legislator Fields, second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 5/0/0/0)**

1573 Making a SEQRA determination in connection with the proposed replacement of grilles in inmate housing areas. Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

Motion to approve by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed? **(Vote: 5/0/0/0)**

1574 Making a SEQRA determination in connection with the proposed replacement of playground at Lakeland County Park, Bohemia, Town of Islip. Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

Motion by Legislator Fields, second by Legislator Crecca. All in favor? Opposed? **(Vote: 5/0/0/0)**

1575 Making a SERQRA determination in connection with the proposed planning and design improvements to athletic fields at West Hills County Park, Huntington. Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

Motion by myself, second by Legislator Cooper. All in favor? Opposed? 1575 is approved. **(Vote: 5/0/0/0)**

1576 Making a SEQRA determination in connection with the proposed planning for improvements to Shinnecock Marina, Hampton Bays, Town of Southampton. Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

Motion by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed? **(Vote: 5/0/0/0)**

1578 Making a SEQRA determination in connection with the proposed improvements to Suffolk County Sewer District # 18 – Smithtown – (CP 8126). Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

Motion by Legislator Crecca –

LEGISLATOR CRECCA:

You skipped 1577.

CHAIRMAN BISHOP:

Motion by Legislator Crecca, second by Legislator Cooper. All in favor? Opposed? **(Vote: 5/0/0/0)**

1577 Making a SEQRA determination in connection with the proposed replacement of the existing generator at Francis S. Gabreski Airport (CP 5702). Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

1577, having skipped that inadvertently. Motion by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed? **(Vote: 5/0/0/0)**

1579 Making a SEQRA determination in connection with the proposed improvements to Police Headquarters, Yaphank, Town of Brookhaven – (CP 3122). Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

Motion by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed? **(Vote: 5/0/0/0)**

1580 Making a SEQRA determination in connection with the proposed planning and design for the redevelopment of Industrial Park at Gabreski Airport, Town of

Southampton – (CP 5713). Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

What is the SEQRA determination? This is just fences? Oh, planning and design. So this is just planning and design work. Okay. Excuse me. Motion by myself, second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 5/0/0/0)**

1581 Making a SEQRA determination in connection with the proposed perimeter survey and fencing of Francis S. Gabreski Airport, Town of Southampton – (CP 5721). Assigned to Environment, Land Acquisition & Planning. (Pres. Off.)

Motion by Legislator Fields, second by Legislator Cooper. All in favor? Opposed? **(Vote: 5/0/0/0)**

1589, we did that previously.

1597 Allocating ¼% sales tax proceeds from pay-as-you-go ¼% Taxpayer Protection Program to Soil and Water Conservation District for Remediation Program for South Shore Tributaries. Assigned to Environment, Land Acquisition & Planning. (Bishop)
Motion by myself, second by Legislator Fields. All in favor? Opposed? **(Vote: 5/0/0/0).**

MR. ISLES:

Just one comment on that.

CHAIRMAN BISHOP:

It is approved.

1634 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Hilaire Drive Property) Town of Huntington. Assigned to Environment, Land Acquisition & Planning. (Cooper)

This is planning steps. Do you have a comment on this?

MR. ISLES:

No, I had a comment on the previous one.

CHAIRMAN BISHOP:

Okay. On 1634, is there a motion?

LEGISLATOR COOPER:

Motion.

LEGISLATOR CARACCILOLO:

Second.

LEGISLATOR CRECCA:

You are not letting him –

CHAIRMAN BISHOP:

It is approved already. What do you want to say on the \$5,000 for the computers?

MR. ISLES:

Twenty thousand dollars for office supplies – machines and so forth. Just the concern about using the water quality programs for outside agencies to fund basic office operations. Obviously this is a new program. Those kind of decisions as to how it should be spent are now being made. It wasn't something, as part of the administration, anyway, that we felt was part of the anticipation of that. So, we just wanted to bring that to your attention.

LEGISLATOR FIELDS:

Wait. Say that again.

MR. ISLES:

This is \$20,000 for office machines and equipment and so forth, and \$12,000 of which is temporary salaries.

LEGISLATOR FIELDS:

Thanks.

CHAIRMAN BISHOP:

Hiliare Drive, do you want to comment?

MR. ISLES:

It is only planning steps. The County – the Legislature and the County Executive have approved the acquisition of the adjacent parcel and supported by the Planning Department. These are four lots, a little less than one acre. It is coming in under active recreation. We are not sure how that would actually be accomplished on this, it is right next to a neighborhood, but under the planning steps we could then look at it in more detail. It does require CEQ prior to final approval as well as Parks Trustees recommendation and review by the Parks Department.

CHAIRMAN BISHOP:

Are we going to do planning steps prior to CEQ? I mean, that's fine with me.

MR. ISLES:

No, no. We wouldn't recommend that.

CHAIRMAN BISHOP:

So we are going to table planning steps until CEQ.

MR. ISLES:

No, we feel planning steps can go forward. Authorization –

CHAIRMAN BISHOP:

That is what I mean. That is just exactly what I am asking. So this is a planning steps resolution.

MR. ISLES:

Yes, that is fine.

CHAIRMAN BISHOP:

Right. So our process is not going to be to wait for CEQ on planning steps, only on the final acquisition.

MR. ISLES:

Right.

CHAIRMAN BISHOP:

Okay. We all agree to that? Motion by Legislator Cooper, second by myself. All in favor? Opposed? **(Vote: 5/0/0/0)**

1635 Authorizing planning steps for the acquisition of land under pay-as-you-go ¼% Taxpayer Protection Program (land of Sans Souci, Lake Preserve, Sayville) Town of Islip. Assigned to Environment, Land Acquisition & Planning. (Lindsay)

LEGISLATOR CARACCILOLO:

Why does this sound familiar?

MR. ISLES:

The County of Suffolk has purchased extensive lands in this area. We do have maps of this if you'd like them. This is part of the Browns River corridor extending between Sayville and Bayport. It is adjacent to other County holdings.

What is being proposed here is a relatively small piece of about 3.3 acres directly adjacent to the lakes. The only part of this we would note, however, is that the front portion of these lots are developed. We would not recommend acquisition of that portion, but the rear portion is undeveloped, is adjacent to the lake system owned by Suffolk County. So we think it is worth planning steps.

LEGISLATOR CARACCILOLO:

What is on the front part of the lots?

MR. ISLES:

The front lot are some rather old commercial structures. It is along Montauk Highway in Bayport.

LEGISLATOR CRECCA:

Are they subdivided, the lots?

MR. ISLES:

Yes. This totals, I believe, two lots.

LEGISLATOR CARACCILOLO:

Are they vacant or occupied commercial?

MR. ISLES:

I am a little unsure, but I think they are vacant, the commercial structures, I believe.

LEGISLATOR CARACCILOLO:

Are there any remediation issues or –

MR. ISLES:

At this time we don't know. If this were to proceed, we would have to do an environmental assessment of this parcel.

LEGISLATOR CARACCILOLO:

How would this rank?

MR. ISLES:

Outlined in green is the proposed acquisition.

LEGISLATOR CARACCILOLO:

How would this rank under our –

MR. ISLES:

We did a ranking and it came up – I think the number was 30, and typically 25 – and that is only a guide – but 25 is typically the minimum.

LEGISLATOR CRECCA:

Can I – Tom, question. I am looking at the two green areas. The lots there, if we did not want to buy the improved part of the site, we would have to subdivide the lots, no?

MR. ISLES:

You are right, to divide off – the developed from the undeveloped portion if we are only buying that, yes, we would.

LEGISLATOR CRECCA:

Can we do that, Tom? Can we buy – I mean, we are doing it on a parcel we have now, but there are already subdivided lots. We are just excluding certain lots. So my question is, is how do you do this on one full lot?

MR. ISLES:

Can we subdivide the lot, do you mean? Sure.

LEGISLATOR CARACCILOLO:

The question is how do you do it?

LEGISLATOR CRECCA:

You have to go to the town.

MR. ISLES:

Well, the Town of Islip could review an application for a minor subdivision. They would be concerned about creating a landlocked parcel, I believe. So what they would condition upon is that it is joined with the other County holdings.

LEGISLATOR CARACCILOLO:

Just on the adjacent County holding. How large is that?

MR. ISLES:

It actually goes for hundreds of acres. It is rather substantial. It goes all the way up to Sunrise Highway. It goes over to Broadway Avenue in Sayville, so it is a very large area. It has been part of a period of time that the County of Suffolk has been investing in this location.

LEGISLATOR CARACCILOLO:

I see Old Broadway Avenue and I am familiar with Broadway Avenue. This in Sayville – Bayport?

MR. ISLES:

Well, the actual lake is really the dividing line between the two communities. Old Broadway is in Sayville, Broadway itself is a little bit to the left side of that map, or to the west. The subject parcel is just in the Hamlet of Bayport.

CHAIRMAN BISHOP:

Is the dark green the water?

LEGISLATOR CARACCILOLO:

Sans Souci Lake, yeah.

MR. ISLES:

Yes, where it says Sans Souci Lake, that is water. That dark area is water. It is directly on the water in this case. And those are freshwater wetlands. As Christine points out, we are outlined in yellow in terms of the current County ownings, holdings, right now. And on this small portion of the map you can see that right there.

LEGISLATOR CARACCILOLO:

Mr. Chairman, before we go to the remainder of the agenda, I would like to request at this time that a presentational report be made to the committee in two weeks regarding all of the existing resolutions that have been approved for planning steps or acquisition, in those two categories, for presentation to the committee so that we and others can share that information –

CHAIRMAN BISHOP:

I don't know if we need a whole presentation. What we would like is a list of all the planning steps and where it is at.

LEGISLATOR CARACCILOLO:

Right, a status report.

MR. ISLES:

We'll do that.

CHAIRMAN BISHOP:

Is there a motion on this one? Motion to approve by Legislator Fields. Is there a second? I will second it. All in favor? Opposed? It just doesn't look very inviting, but all right. It is approved.
(Vote: 5/0/0/0)

1645 To strengthen Real Estate Division Reform. Assigned to Environment, Land Acquisition & Planning. (Fields)

Explanation, Legislator Fields, please, or Counsel. Either one.

LEGISLATOR FIELDS:

This changes the appraisal from \$300,000 down to \$100,000. It also changes the area variance. It is on it if you have a copy of it. And it also asks that the selection of appraisers alter with –

CHAIRMAN BISHOP:

Alternate you mean?

LEGISLATOR FIELDS:

Alternate.

CHAIRMAN BISHOP:

Can we just discuss that for a minute? The selection of appraisals, are you submitting a new list to us for this annual approval, are we just going forward with the existing list?

MR. ISLES:

Well, I know under the legislation signed today, sponsored by Legislator Bishop, we are required to submit every year a new list of appraisers. I don't think that specifically requires that we submit a list to you now –

CHAIRMAN BISHOP:

No, it doesn't. I just want to know if that was your intention, since we had problems with the existing list.

MS. COSTIGAN:

It is our intention in order to familiarize the appraisers with the new requirements to call them all in, familiarize them with the requirements under 1388, and tell them that their list is up for review and what the parameters of the review will be and the fact that they are going to be prioritized or specialized, if you will, with the – we talked last time about our intent to exhaust the list to the extent we can.

CHAIRMAN BISHOP:

Are you letting the appraisal community know that the Suffolk County list is opening up and that their new list will be submitted to the Legislature in January of next year?

MS. COSTIGAN:

Yes, we are. Initially we are calling everybody on our list in, but we are also spreading the word to the extent we can otherwise in the community of appraisers.

LEGISLATOR CARACCILO:

How are we doing the later part of your statement in terms of appraising others?

MS. COSTIGAN:

Well, there is an association of appraisers, and we are going to talk to them. Everyone at that meeting will be in and some of the officers of the association will be at that meeting.

CHAIRMAN BISHOP:

And then that word will go out, they will submit resumes, and then the ones who are qualified you will submit a list to us in January of next year. Then her resolution gets at how are specific appraisers assigned projects.

LEGISLATOR FIELDS:

And this makes it rotate.

CHAIRMAN BISHOP:

Right. Is that your intention or are you going to match up appraisers with projects depending upon their types of expertise and familiarity and so on?

MS. COSTIGAN:

The current intention is to segregate them by expertise. Now, there is going to be a lot of overlap there, but once you have – for instance, there are some appraisers who are not going to appraise farms. They have no skill in it, they have no background in it, and they really don't want to do it. They would be put in the farm group, and then that group would be rotated to the extent possible. It would not be a mechanical rotation. Partly it is driven by – one of the things they have to give us is a time period. When can they produce this appraisal, and if we need it responsively, then the person who can do it faster – their bid is going to be valued over the one who is slower if the numbers are the same. So there are other criteria, but we would make every effort to get through the list.

CHAIRMAN BISHOP:

Are there other questions? Where is the Commissioner going?

COMM. SCULLY:

Do you need me?

CHAIRMAN BISHOP:

We are not done.

COMM. SCULLY:

I don't have anything on the agenda, but I will stay.

CHAIRMAN BISHOP:

Please.

MR. ISLES:

Just one brief comment I would like to make. Number one is to express an appreciation for the patience of this committee for the 15 hours we spent, whatever it was, discussing it, and I am pleased that we have the legislation approved. It has given us great clarity. We may not agree with everything – we agree with 99% of it, I guess, but it has given us great clarity to move forward with direction knowing what the Legislature is comfortable with in the program. I agree that there is probably going to be a need to tinker and make some changes as we go along and as we try this over the next few months.

I would just like to express a concern about changing things too much, too soon. The only point for that is that acquisitions take months, and if things change mid-stream for us, and I know we had to do it for a certain period, but the more that happens, the more difficult it is for us to manage that. So I understand the proposal, but I would just like to make a request that if we could have a period of let's see how it runs and then maybe in a few months take a look at it and adjust it. It would make it easier for us.

LEGISLATOR FIELDS:

The only things that I would add to or respond to that about is that over the last however many months that we have dealt with this reform, one of the key problems seem to be with the appraisers, and that is what we read about and that is what we have understood. This intends, or the intent of this is to make sure that we don't have favorite appraisers or that we are not utilizing, you know, for a favor, a particular appraiser, but makes it very fair and it makes – I don't think it is too much, too soon. I think appraisers know what their job is, so they know how

to appraise, and you are just asking someone – I can understand if there are ones that do it just with farmland or with wetlands or with oceanfront or whatever, but I don't see reason why we can't rotate them.

MS. COSTIGAN:

There are numerous reasons why we can't rotate them. I mean, there are – appraisers pass a minimum specification and they are licensed at the levels that we are familiar with, and numerous of them. In fact, all the appraisers we deal with are general certified real estate appraisers. There is only one on the list that is not, and we haven't used that person since we found out that they were not properly certified. So, the requirement that we deal only with general certified appraisers makes no difference whatever in whom we deal with, because everyone on the list has that certification.

There are – the current list – I am not sure of the number that is on the list, but there are people there who are not competent to do complicated subdivisions, for instance, multiple use appraisals. They are fine on straight residential stuff, they may good for auction pieces, for direct sales. They have the requirements, they have the background, but we have been dealing with them for years and they are not responsive. If they give us an appraisal, we just – you have to get another one.

LEGISLATOR FIELDS:

Let me ask you a question. If they are not competent, why are they on the list?

MS. COSTIGAN:

That particular list was compiled without the kind of scrutiny that you are talking about, so why many people are on this list is – it is by a different standard.

LEGISLATOR FIELDS:

So when we make the new list, why don't we put only appraisers that are competent in what we need them to be competent in. Why would we even entertain using anyone on a list that is not going to be competent?

MS. COSTIGAN:

Well, that is up to the Legislature. You can't discriminate against people when they qualify in terms of their basic certifications. I mean, whether they can be on the list or off the list will be your choice. If you want us to have an A team recommendation and a B team recommendation, that is fine. But I think you have to give us some latitude here in who we know is more competent to do it than not.

Having said that, there's lots of competent people, and we will rotate through the competent people. There hasn't been a problem in using one appraiser too much. I mean, when you look at the way – I think that we are trying to solve a problem that is not a problem.

LEGISLATOR CARACCILO:

Which of the appraisers was not the general certified appraiser, that we are not using any more since the implementation of the reform? You said there was one.

MS. COSTIGAN:

We haven't used that person in –

LEGISLATOR CARACCILO:

Just what's the name of the –

MS. COSTIGAN:

It is a woman. I don't know her name.

CHAIRMAN BISHOP:

It is not somebody from recent problems, correct?

LEGISLATOR CARACCILO:

Okay.

LEGISLATOR FIELDS:

Is it possible to see a list of all the appraisers over the last 24 months and how often we've used each one of them?

MS. COSTIGAN:

I would have to take all the files out and put down – I mean, it is just not – you know, we don't keep –

LEGISLATOR FIELDS:

Budget Review might have it if you have made out checks to those appraisers, right, if they County has paid for them.

MS. COSTIGAN:

It is the same difference. You would have to get all the files and then compile, you know, which ones you'd used.

MR. ISLES:

I guess what I wanted to add, we do have an audit going on right now in the department, a very thorough audit. We have four auditors in the department full-time at this point.

CHAIRMAN BISHOP:

That information is probably being compiled now.

MR. ISLES:

Yes, it probably is.

CHAIRMAN BISHOP:

Without directing them to do it, we can get it through the Comptroller's Office is what they are saying.

MR. ISLES:

And the other point I wanted to make, too, is that in the context of what we are doing, I think given the package of what has been approved and the oversight and the involvement of the Legislature and the controls that have been talked about, this is a heck of a lot of a different program than we started off with, and I think it gives plenty of opportunity for examination –

CHAIRMAN BISHOP:

Let it work and we'll see. On the list, on that information – what? I wouldn't cosponsor removing the ten percent rule which is one that I believe in, so. What I am saying is, on the appraising, finding out which appraisers we use, we should be able to obtain that from the Comptroller's Office, and if he won't do it voluntarily, then we can sponsor legislation mandating that. Is there a motion at this time?

LEGISLATOR FIELDS:

Motion.

LEGISLATOR CARACCILOLO:

Second.

CHAIRMAN BISHOP:

Second by Legislator Caracciolo. All in favor? Opposed? Opposed.

LEGISLATOR CRECCA:

Opposed.

LEGISLATOR COOPER:

I'm opposed.

CHAIRMAN BISHOP:

Okay. It fails two to three. **(Vote: 2/3/0/0 Opposed: Legislators Bishop, Crecca and Cooper).** Moving on.

1656 Amending the 2002 Capital Budget and Program by appropriating funds for purchase of equipment for groundwater monitoring and well drilling (8226). Assigned to Environment, Land Acquisition & Planning and Finance & Financial Services. (Co. Exec.)

LEGISLATOR CARACCILOLO:

Motion to approve.

CHAIRMAN BISHOP:

We are amending the Capital Budget? What is the amendment – what is the offset? We don't have Budget Review here.

MR. SABATINO:

It is coming from the pay-as-you-go account.

CHAIRMAN BISHOP:

Is this a pay-as-you-go item, a 5-25-5 item?

MR. SABATINO:

Yeah, it is.

CHAIRMAN BISHOP:

A motion by myself. Second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 5/0/0/0)**

1657 Appropriating funds in connection with the acquisition of land under the Clean

Water Bond Act (CP 8233). Assigned to Environment, Land Acquisition & Planning and Finance & Financial Services. (Co. Exec.)

Explanation on 1657, please.

MR. SABATINO:

My own notes say that there is something – well, something unclear about the resolution because the title and the substance and not necessarily in accord, so I am not – it appears to appropriate \$50,000 of serial bonds for drainage improvements, but there is reference in the title to Clean Water Bond Act funding, which would be federal money. So I am not sure if the person who did it maybe just did the title wrong –

CHAIRMAN BISHOP:

Didn't they mean the State Bond Act?

MR. SABATINO:

I am not really sure what happened.

CHAIRMAN BISHOP:

Does anybody know?

LEGISLATOR CRECCA:

Let's just see if we can get this resolved right now if we can. The backup says that the project provides funding for a recharge basin that is going to abate storm water runoff for –

LEGISLATOR CARACCILO:

Does Counsel have a problem with just with the title?

CHAIRMAN BISHOP:

I want to make a motion.

MR. SABATINO:

The concern I had was that maybe – we didn't do the bill. I thought that because the title read one way and the bill read a second way, maybe the intent is not being carried out because maybe the intent is to get access – there is federal money.

CHAIRMAN BISHOP:

Motion to discharge without recommendation. I don't know, Nicole, are you the right person? Somebody has to go back and figure out if there is a problem.

LEGISLATOR FIELDS:

I will make a motion to table to see if we can just get the correction information for the next go around, one cycle.

CHAIRMAN BISHOP:

Well, you don't know if it is correct or not. Counsel is not saying it is wrong, he says he doesn't know.

MR. SABATINO:

The first whereas clause talks about using money from the Clean Water Bond Act which would be federal money. But then we're appropriating County money. My only point is that there is a big difference between appropriating County money and appropriating Federal Clean Water Money if

that money is available. I just – I can't speak for the sponsor, it is the County Executive, but maybe there was a miscommunication. I just don't know.

CHAIRMAN BISHOP:

I made a motion to discharge without recommendation, and I have a motion to table which takes precedence. Motion to table by Legislator Fields. Second by Legislator Cooper. All in favor? Opposed?

LEGISLATOR CRECCA:

Opposed.

CHAIRMAN BISHOP:

Opposed, Legislator Crecca, myself. It is tabled. **(Vote: 3/2/0/0 Opposed: Legislators Bishop and Crecca).**

1658 Amending the 2002 Capital Budget and Program by appropriating funds for Peconic Bay Estuary Program (8235). Assigned to Environment, Land Acquisition & Planning and Finance & Financial Services. (Co. Exec.)

What is the offset?

MR. SABATINO:

This is 5-25 pay-as-you-go money and it is for the Peconic Bay Estuary.

CHAIRMAN BISHOP:

Motion by myself, second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 5/0/0/0)**

1665 Appropriating ¼% Sales Tax Proceeds for the Drinking Water Protection Program Open Space Acquisition. Assigned to Environment, Land Acquisition & Planning. (Co. Exec.)

Six and a half million dollars. Okay, Counsel.

MR. SABATINO:

This is \$6.5 million coming straight out of the pay-as-you-go program to be used for the open space acquisitions which have gotten through the pipelines, they have been previously authorized. The only thing you want to watch out for is down the road how this is going to impact on that EFC financing which is hanging out there. Clearly you can appropriate the 6.5 million.

CHAIRMAN BISHOP:

In other words, this is money that we previously collected from the ¼% program. This is the pay-as-you-go financing of open space acquisitions.

MR. SABATINO:

This is the pay-as-you-go component. This is not taking the money from the EFC financing. Just make sure with the budget people that you are not –

CHAIRMAN BISHOP:

And this is dedicated to particular parcels that we previously approved?

MR. SABATINO:

Well, it doesn't identify the parcels, but obviously it is covering those that are in – those that have gotten through the pipeline which you've now come to closure and you need money to consummate the transaction. So this will get you through whatever that last wave of negotiated acquisitions are.

MS. COSTIGAN:

I've appeared before the Legislature in connection with this out in Riverhead and the questioning had to do with were there any Pine Barrens pieces that we have been waiting to close. This refers to some – about 30 files that I have that haven't had any money to close, and one additional, the Universalist piece. So this facilitates all those files.

CHAIRMAN BISHOP:

Motion by – I'm sorry.

LEGISLATOR CARACCILO:

Just to make it clear, because there was some resistance by some Legislators to –

CHAIRMAN BISHOP:

Right.

LEGISLATOR CARACCILO:

What you support and what I support, so I think for the record let's make it absolutely clear today and Tuesday what this resolution does. I follow what your presentation is and I support it, because I think we have a moral obligation to follow through on that commitment. But I think just in fairness to other Legislators when it comes up Tuesday, the presentation should be replete with clear explanation as to what exactly this six and a half million dollars is purchasing.

LEGISLATOR FIELDS:

How about we make a motion to discharge without recommendation and then you present that at the meeting on Tuesday?

LEGISLATOR CRECCA:

Are they going to have it for Tuesday? I don't think they will, will they?

LEGISLATOR FIELDS:

Then we are approving something that we don't know exactly what it is, right?

MR. ISLES:

I think this is a pretty standard way we did. As I recall, in the Greenways there was two ten million dollar appropriations on each part of that program. Number one, there is a certain amount of money we need access to for appraisals and so forth so there is a small part of this that would have to go for those costs and it is necessary. Number two, I was at the legislative meeting when we talked about that and we talked about numbers as high as \$70 million if we were to buy the rest of the Pine Barrens Core possibly, and obviously that impacts on program choices and so forth. This one is, I think, no small piece of that –

CHAIRMAN BISHOP:

Is it possible to match up the appropriation with the acquisitions?

MS. COSTIGAN:

Not dollar for dollar. I mean, these include the little ones, the really core area Pine Barrens pieces that have sort of come over the door, if you will. But there are ones that have been waiting for over two years to close because there is no money.

CHAIRMAN BISHOP:

I understand there is a big list and you need money, but what the Legislators are whispering in my ear is they want to know which ones.

MS. COSTIGAN:

Yeah, I mean, we can do a list of ones that are immediately waiting. Then there is ones that are, you know, projected, and then there is a very foreseeable group –

LEGISLATOR CRECCA:

It doesn't have to match this 6.5 million, but give us a list of, you know –

MS. COSTIGAN:

Yes. Excuse me. Just let me give you one example, though. We have one family that owns several fairly large pieces. They have been waiting for two years for a check on the contract they signed two years ago. They have other pieces, and they are saying why should we do business with you, you can't close. So those, I don't even know the identity of, but I know they are out there.

LEGISLATOR CARACCILO:

Tax map numbers, can you give us –

MS. COSTIGAN:

No. I don't know the identity of those other ones. They don't want to talk to us because they have waited so long.

CHAIRMAN BISHOP:

That is not his question.

MS. COSTIGAN:

The ones we are doing business with, of course, we can.

CHAIRMAN BISHOP:

That's the question.

MR. ISLES:

So not changing the resolution but just providing information, a memorandum or something, with those identified.

CHAIRMAN BISHOP:

A memorandum with a list of which –

LEGISLATOR CARACCILO:

Here is my concern. If we authorize this resolution and the Division of Real Estate is not successful in negotiating, since there is no certainties, all of these entities will – Paul?

MR. SABATINO:

I think to clarify what I was trying to say was that there were for negotiated, consummated transactions. The things you have to be concerned – I wouldn't be concerned about the \$6.5 million with negotiated transactions. Those are in the pipeline, done, they have got contracts sitting around. The only concern I was alerting you to, not on this resolution, but you have to be careful now that you don't wipe out the cushion of the ¼% money that you need to do the EFC borrowing.

LEGISLATOR CARACCILO:

Elaborate. What do you mean about the cushion?

MR. SABATINO:

If you recall, that whole 41 million and 21 million was predicated on certain calculations based on the way sales tax revenue is coming in, and then based on you not using it all up for pay-as-you-go purposes – if you use it all for pay-as-you-go, then you are not going to be about to do the 60, 41 and the 21. The 6.5 is probably the second installment that we've made on using the non-EFC pay-as-you-go funding. This is fine. Appropriate this, it is going to take care of consummated transactions, but you now have to start keeping track of what you are doing because –

LEGISLATOR CARACCILO:

You are saying everything prospective will be –

MR. SABATINO:

I don't know what dollar amount it is going to kick in at, and you are going to have to really ask the budget people as you start to proceed. This is the first big installment that we've done on the ¼%. The other ones we did were smaller amounts. I am just alerting you because there is a tendency to – things fall by the wayside and you kind of forget about the –

LEGISLATOR CARACCILO:

I want to go back to the Chairman's original question, and that was this \$6 ½ million allocation or authorization, is that from existing ¼% collected tax revenues, or is this the person stalling on the 41 million, EFC, which is it?

MR. SABATINO:

This is not EFC. That is my point, it is not EFC. This is straight ¼% money and it is for transactions that have been consummated. What I didn't realize was the full amount is for the ones from the core, that's okay. But there are other ones in the pipelines that you have authorized outside the core which will be drawing down the next –

LEGISLATOR CARACCILO:

Are there any fund balances, then, on the new 13 year ¼% program? Once you expend this 6 ½ million, since that program kicked in in December of 2000, here we are some 18 months later, 17 months later, will there be any fund balances in that account? There are. Okay. Do you know what that number is, tom?

MR. ISLES:

We really haven't spend very much out of the new ¼% for open space. We have had a couple of acquisitions, {Deager}. We've had {Dam} Pond closed last week, that was another one, a

handful of acquisitions in a program that was anticipated to bring in – I think the number was about seven million a year, and don't quote me on that. So we have actually spent a lower amount –

LEGISLATOR CARACCILO:

All right. So what this six and a half million allocation – what is available right now?

MR. ISLES:

I couldn't answer that to you precisely.

LEGISLATOR CARACCILO:

Could you let me know later?

MR. ISLES:

Yeah.

LEGISLATOR CARACCILO:

Thank you.

CHAIRMAN BISHOP:

Motion to approve having been made and seconded, all in favor? Opposed? It is approved.

(Vote: 5/0/0/0)

1666 Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program (CP 7177). Assigned to Environment, Land Acquisition & Planning. (Co. Exec.)

MR. SABATINO:

This is going to appropriate \$6 million from that \$13 million fund and it will be used again for transactions that have been consummated.

LEGISLATOR BISHOP:

Motion by myself, second by Legislator Cooper. All in favor? Opposed? 1666 is approved.

(Vote: 5/0/0/0)

Is there any other business before the committee? Hearing none, motion to adjourn by myself. Second by Legislator Caracciolo. We stand adjourned. Thank you.

(The meeting was adjourned at 5:40 p.m.)

{ } Denotes Spelled Phonetically